

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

VIRNETX INC., et al §
§
V. § CIVIL NO. 6:12-CV-855
§
APPLE INC. §

MINUTES FOR THIRD DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
OCTOBER 29, 2020

OPEN: 9:11 a.m.

ADJOURN: 5:48 p.m.

ATTORNEYS FOR PLAINTIFFS: Brad Caldwell, Justin Curry, Jason Cassidy and Johnny Ward

ATTORNEYS FOR DEFENDANT: Mike Jones, Greg Arovas, Jeanne Heffernan, Robert Appleby and Leslie Schmidt

LAW CLERK: Jacob Vannette

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Shelly Holmes

9:11 a.m. Outside the presence of the Court, Mr. Curry argues Plaintiff's objections to Dr. Blaze's testimony; Mr. Appleby responds; Court questions parties; Mr. Ward argues Plaintiff's objection regarding Mr. Bakewell's testimony; Ms. Heffernan responds

9:30 a.m. Jury seated

9:30 a.m. Ms. Heffernan continues with cross examination of Mr. Weinstein

9:41 a.m. Objection by Mr. Cassady; bench conference

9:43 a.m. Ms. Heffernan continues with cross examination

10:11 a.m. Bench conference

10:17 a.m. Mr. Cassady begins redirect examination of Mr. Weinstein

10:21 a.m. Objection by Ms. Heffernan; Court - rephrase the question

10:41 a.m. Objection by Ms. Heffernan; bench conference

10:44 a.m. Mr. Cassady continues with redirect examination

10:59 a.m. Ms. Heffernan begins recross examination of Mr. Weinstein

11:03 a.m. Mr. Cassady moves into evidence exhibits used yesterday; no objections; also marked for the record demonstratives used

11:04 a.m. Ms. Heffernan moves into evidence exhibits used yesterday; no objections; also marked for the record demonstratives used

11:06 a.m. Mr. Caldwell advises that Plaintiff would like to call Ms. Mewes adverse but parties have agreed that Apple will put her on direct first

11:07 a.m. Jury excused; outside the presence of the jury, the Court confirmed that the parties have agreed that any motions as a matter of law will be presented at the conclusion of both sides' evidence; parties confirm

11:08 a.m. Recess

11:25 a.m. Jury seated

11:26 a.m. Ms. Schmidt calls Heather Mewes; witness sworn in

11:27 a.m. Ms. Schmidt begins direct examination of Ms. Mewes

11:38 a.m. Courtroom sealed

11:45 a.m. Courtroom unsealed

11:45 a.m. Mr. Caldwell begins cross examination of Ms. Mewes

11:56 a.m. Objection by Ms. Schmidt; bench conference

12:00 p.m. Mr. Caldwell continues with cross examination

12:07 p.m. Ms. Schmidt begins redirect examination of Ms. Mewes

12:11 p.m. Mr. Caldwell begins recross examination of Ms. Mewes

12:12 p.m. Ms. Schmidt continues with redirect examination

12:13 p.m. Jury excused for lunch

12:14 p.m. Outside the presence of the jury, the Court will allow the slides of Dr. Blaze discussed earlier this morning

12:15 p.m. Recess

1:18 p.m. Outside the presence of the jury, Court and parties discuss next witness

1:20 p.m. Jury seated

1:20 p.m. Mr. Cassady moves demonstrative exhibits in; no objections

1:21 p.m. Mr. Caldwell advises that the Plaintiff rests

1:21 p.m. Mr. Appleby calls Matthew Blaze (remotely); witness sworn in

1:22 p.m. Mr. Appleby begins direct examination of Dr. Blaze

1:31 p.m. Mr. Appleby offers Dr. Blaze as an expert in computer networks and computer communication security; no objections

2:04 p.m. Recess

2:13 p.m. Jury seated

2:15 p.m. Mr. Appleby continues with direct examination of Dr. Blaze

2:35 p.m. Mr. Caldwell begins cross examination of Dr. Blaze

3:21 p.m. Mr. Appleby begins redirect examination of Dr. Blaze

3:34 p.m. Mr. Caldwell begins recross examination Dr. Blaze

3:39 p.m. Mr. Appleby continues with redirect examination

3:42 p.m. Mr. Caldwell continues with recross examination

3:43 p.m. Jury out for recess

3:44 p.m. Outside the presence of the Court, the parties discuss the day's remaining

schedule

3:44 p.m. Recess

3:57 p.m. Jury seated

3:59 p.m. Mr. Arovas calls Russell Binns (remotely) witness sworn in

4:00 p.m. Mr. Arovas begins direct examination of Mr. Binns

4:27 p.m. Mr. Cassady begins cross examination of Mr. Binns

4:47 p.m. Mr. Arovas begins redirect examination of Mr. Binns

4:50 p.m. No questions from Mr. Cassady

4:51 p.m. Jury excused

4:51 p.m. Outside the presence of the jury, the Court informs the parties he would like to discuss the jury instructions and verdict form tonight; Mr. Caldwell and Mr. Arovas believe the case will go to the jury tomorrow

4:54 p.m. Recess

5:04 p.m. Informal charge conference; counsel in attendance were John Summers, Austin Curry, Jason Cassady and Leslie Schmidt

5:48 p.m. Recess